

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
Land Division  
Honolulu, Hawaii 96813

July 8, 2011

RP-7430

Board of Land and Natural Resources  
State of Hawaii  
Honolulu, Hawaii

OAHU

Amend Prior Board Action of November 12, 2010, (Agenda Item D-9), Continuation of Permits; Revocable Permit No. 7430, Kahala Hotel Investors, LLC., Permittee, Kahala, Waialae, Oahu, Tax Map Key: (1) 3-5-023:041

BACKGROUND:

At its meeting of December 8, 2006, under agenda item D-13, the Board authorized the issuance of a revocable permit (RP-7430) to Kahala Hotel Investors, LLC. (Permittee) for recreational and maintenance purposes.

In May 2010, Land Division staff met with the Permittee and advised the Permittee that RP-7430 needs to be revised in terms of the character of use. The Permittee admitted that they had been using the two pavilions within the permit area for wedding ceremonies, which is not consistent with the permitted use.

The Permittee agreed to consider the options for a long-term disposition which will address the character of use issue; and submit an application, if appropriate. Since the meeting, Land Division did not receive any application from the Permittee.

During the renewal process for Statewide revocable permits in November 2010, staff did not include RP-7430 in the renewable list because it was not in compliance regarding the character of use. On November 12, 2010, under agenda item D-9, the Board approved, as amended, the continuation of the revocable permits on a month-to-month basis for another one-year period up to December 31, 2011, except for permits that are in arrears of rental payment for more than 60 days. Due to the reason mentioned above, RP 7430 was not renewed.

On June 8, 2011, the Department received an application from the Permittee requesting an easement to accommodate the current use. The Permittee explained that they might have misconstrued the message from the Land Division at the said meeting in May 2010, which eventually caused the delay in submitting the application.

The Permittee is in compliance with the rent and insurance provision of the permit.

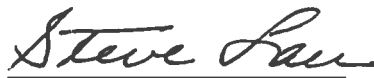
July 8, 2011

In view of the application Land Division received recently, staff is recommending that the Board authorize the renewal of RP-7430 for another one year period retroactively from January 1, 2011, while staff is reviewing the request for a long-term easement.

RECOMMENDATION:

That the Board amend its prior Board action of November 12, 2010, under agenda item D-9 by approving the continuation of Revocable Permit No. S-7430 for another one year period retroactively from January 1, 2011.

Respectfully Submitted,



Steve Lau  
Land Agent

APPROVED FOR SUBMITTAL:

  
\_\_\_\_\_  
William J. Aila, Jr., Chairperson